

1  
2  
3  
4  
5  
6  
7  
IN THE UNITED STATES DISTRICT COURT

8  
9  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10  
11 FRANK AND DEBORAH McDOWELL,

No. C 11-02569 CRB

12 Plaintiff,

**ORDER DENYING OPPOSITION TO  
NOTICE OF CHANGE OF COUNSEL**

13 v.

14 THE STATE OF CALIFORNIA, ET AL.,

15 Defendants.

16  
17 Plaintiffs have filed an Opposition to Notice of Change In Counsel, arguing that  
18 Defendant NDEX WEST, LLC should not be permitted to have different counsel within the  
19 same firm represent it. See generally dkt. 77. Defendant NDEX WEST, LLC's Notice of  
20 Change in Counsel, dtk. 76, is not a motion to which Plaintiffs may object, and so the  
21 Opposition is DENIED. The Court further notes that Plaintiffs argue in their Opposition,  
22 "WE SHOULD WIN THIS CASE AGAINST NDEX WEST ON DEFAULT." See dkt. 77  
23 at 2. Federal Rule of Civil Procedure 55 sets out the procedure for pursuing default and  
24 default judgment; Plaintiffs have not followed that procedure.

25 **IT IS SO ORDERED.**

26 Dated: March 19, 2012



---

27 CHARLES R. BREYER

28 UNITED STATES DISTRICT JUDGE